



Freeborn & Peters LLP

July 19, 2006

Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

27089

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 435X); Docket No. AB-987X; The Burlington Northern and Santa Fe Railway Company Abandonment of Albany, Illinois

Dear Secretary Williams:

In regards to the letter from William Shirk, representing the Village of Albany, dated June 28, 2006, BNSF is not interested in extending the negotiations with the Village of Albany by 180 days to complete negotiations for trail use and public use.

Sincerely,

Brian Nettles

/bn
Enclosures

cc: William Shirk
John Sims
Rich Batie

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Public Board

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In Reply Refer
to File No
Albany

June 28, 2006

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JUN 29 2006

Public Hearing



The Honorable Vernon Williams
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

Re: STB Docket No. AB-6 (Sub-No. 435X), BNSF Railway Company
Abandonment Exemption - In Whiteside County, IL

Dear Secretary Williams:

On January 4, 2006, the Village of Albany filed a request for Public Use Condition and a request for Interim Trail Use Condition for approximately 5.09 miles of railroad between milepost 20.31 and milepost 25.40 near Albany, Illinois, in Rock Island and Whiteside Counties. By order dated January 25, 2006, the Board granted the request to implement interim trail use/rail banking and to permit public use negotiations as specifically set forth in the order, for a period of 180 days commencing from January 26, 2006, and ending on July 25, 2006.

This letter is a request to grant an additional 180 days from July 25, 2006, to January 25, 2007, to implement interim trail use/rail banking and to permit public use negotiations pursuant to the terms of the order entered on January 25, 2006.

On January 27, 2006, the Village was contacted by a representative of BNSF Railroad Company ("BNSF"). BNSF required that an MAI certified appraisal be obtained by the Village of Albany, at its cost, prior to commencement of negotiations. Thereafter, the Village of Albany contracted with an MAI appraisal company in Davenport, Iowa, to complete the appraisal. To date, the appraisal has not been completed and provided to the Village although the appraisal company promises it will be completed in a short period of time. One of the requests of the appraiser was a title search of the railroad line determining whether or not the railroad owns a fee simple

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interest in the railroad line or a limited fee right of way. The Village of Albany hired a title company to conduct the search and obtain recorded documents. The information from the title company has not yet been received by the Village of Albany.

By reason of the requirement that an MAI appraisal be completed and provided to BNSF prior to commencement of negotiations, the negotiations have not begun and the Village of Albany is unable to negotiate with BNSF but still desires to negotiate for interim trail use/rail banking and public use.

The Village of Albany respectfully requests the Board to grant a 180 day extension of time from July 25, 2006, to January 25, 2007, to negotiate trail use and public use with BNSF.

Enclosed please find the original and ten copies of this letter and a filing fee of \$350.00. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope. We are also sending a copy to BNSF Railway Company, by U.S. Mail, postage prepaid, first class, on this 26th day of June, 2006.

Thank you for your assistance and please do not hesitate to contact me if you have any questions in regards to this request for extension.

Respectfully submitted,

WEINSTINE, SHIRK & BUCKWALTER-SCHURMAN, P.C.



William R. Shirk,
on behalf of the Village of Albany